

HB4670



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4670

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

230 ILCS 40/5
230 ILCS 40/35

Amends the Video Gaming Act. Removes language that exempts video gaming terminals that are operated for amusement only from the licensure requirement under the Act. Effective immediately.

LRB096 14887 AMC 29756 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning gaming.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Video Gaming Act is amended by changing
5 Sections 5 and 35 as follows:

6 (230 ILCS 40/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Board" means the Illinois Gaming Board.

9 "Credit" means 5, 10, or 25 cents either won or purchased
10 by a player.

11 "Distributor" means an individual, partnership, or
12 corporation licensed under this Act to buy, sell, lease, or
13 distribute video gaming terminals or major components or parts
14 of video gaming terminals to or from terminal operators.

15 "Terminal operator" means an individual, partnership or
16 corporation that is licensed under this Act and that owns,
17 services, and maintains video gaming terminals for placement in
18 licensed establishments, licensed fraternal establishments, or
19 licensed veterans establishments.

20 "Licensed technician" means an individual who is licensed
21 under this Act to repair, service, and maintain video gaming
22 terminals.

23 "Licensed terminal handler" means a person, including but

1 not limited to an employee or independent contractor working
2 for a manufacturer, distributor, supplier, technician, or
3 terminal operator, who is licensed under this Act to possess or
4 control a video gaming terminal or to have access to the inner
5 workings of a video gaming terminal. A licensed terminal
6 handler does not include an individual, partnership, or
7 corporation defined as a manufacturer, distributor, supplier,
8 technician, or terminal operator under this Act.

9 "Manufacturer" means an individual, partnership, or
10 corporation that is licensed under this Act and that
11 manufactures or assembles video gaming terminals.

12 "Supplier" means an individual, partnership, or
13 corporation that is licensed under this Act to supply major
14 components or parts to video gaming terminals to licensed
15 terminal operators.

16 "Net terminal income" means money put into a video gaming
17 terminal minus credits paid out to players.

18 "Video gaming terminal" means any electronic video game
19 machine that, upon insertion of cash, is available to play or
20 simulate the play of a video game, including but not limited to
21 video poker, line up, and blackjack, as authorized by the Board
22 utilizing a video display and microprocessors in which the
23 player may receive free games or credits that can be redeemed
24 for cash. The term does not include a machine that directly
25 dispenses coins, cash, or tokens ~~or is for amusement purposes~~
26 ~~only~~.

1 "Licensed establishment" means any licensed retail
2 establishment where alcoholic liquor is drawn, poured, mixed,
3 or otherwise served for consumption on the premises. "Licensed
4 establishment" does not include a facility operated by an
5 organization licensee, an intertrack wagering licensee, or an
6 intertrack wagering location licensee licensed under the
7 Illinois Horse Racing Act of 1975 or a riverboat licensed under
8 the Riverboat Gambling Act.

9 "Licensed fraternal establishment" means the location
10 where a qualified fraternal organization that derives its
11 charter from a national fraternal organization regularly
12 meets.

13 "Licensed veterans establishment" means the location where
14 a qualified veterans organization that derives its charter from
15 a national veterans organization regularly meets.

16 "Licensed truck stop establishment" means a facility that
17 is at least a 3-acre facility with a convenience store and with
18 separate diesel islands for fueling commercial motor vehicles
19 and parking spaces for commercial motor vehicles as defined in
20 Section 18b-101 of the Illinois Vehicle Code.

21 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09.)

22 (230 ILCS 40/35)

23 Sec. 35. Display of license; confiscation; violation as
24 felony.

25 (a) Each video gaming terminal shall be licensed by the

1 Board before placement or operation on the premises of a
2 licensed establishment, licensed truck stop establishment,
3 licensed fraternal establishment, or licensed veterans
4 establishment. The license of each video gaming terminal shall
5 be maintained at the location where the video gaming terminal
6 is operated. Failure to do so is a petty offense with a fine
7 not to exceed \$100. Any licensed establishment, licensed truck
8 stop establishment, licensed fraternal establishment, or
9 licensed veterans establishment used for the conduct of
10 gambling games in violation of this Act shall be considered a
11 gambling place in violation of Section 28-3 of the Criminal
12 Code of 1961. Every gambling device found in a licensed
13 establishment, licensed truck stop establishment, licensed
14 fraternal establishment, or licensed veterans establishment
15 operating gambling games in violation of this Act shall be
16 subject to seizure, confiscation, and destruction as provided
17 in Section 28-5 of the Criminal Code of 1961. Any license
18 issued under the Liquor Control Act of 1934 to any owner or
19 operator of a licensed establishment, licensed truck stop
20 establishment, licensed fraternal establishment, or licensed
21 veterans establishment that operates or permits the operation
22 of a video gaming terminal within its establishment in
23 violation of this Act shall be immediately revoked. No person
24 may own, operate, have in his or her possession or custody or
25 under his or her control, or permit to be kept in any place
26 under his or her possession or control, any device that awards

1 credits and contains a circuit, meter, or switch capable of
2 removing and recording the removal of credits when the award of
3 credits is dependent upon chance. A violation of this Section
4 is a Class 4 felony. All devices that are owned, operated, or
5 possessed in violation of this Section are hereby declared to
6 be public nuisances and shall be subject to seizure,
7 confiscation, and destruction as provided in Section 28-5 of
8 the Criminal Code of 1961. The provisions of this Section do
9 not apply to devices or electronic video game terminals
10 licensed pursuant to this Act. ~~A video gaming terminal operated
11 for amusement only and bearing a valid amusement tax sticker
12 issued prior to the effective date of this amendatory Act of
13 the 96th General Assembly shall not be subject to this Section
14 until the sooner of (i) the expiration of the amusement tax
15 sticker or (ii) 30 days after the Board establishes that the
16 central communications system is functional.~~

17 (b) (1) The odds of winning each video game shall be posted
18 on or near each video gaming terminal. The manner in which the
19 odds are calculated and how they are posted shall be determined
20 by the Board by rule.

21 (2) No video gaming terminal licensed under this Act may be
22 played except during the legal hours of operation allowed for
23 the consumption of alcoholic beverages at the licensed
24 establishment, licensed fraternal establishment, or licensed
25 veterans establishment. A licensed establishment, licensed
26 fraternal establishment, or licensed veterans establishment

1 that violates this subsection is subject to termination of its
2 license by the Board.

3 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.